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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,327	08/28/2003	Thomas Lyon	L1060	7791
7590	11/26/2004		EXAMINER	
Sanford Astor, Birch, Stewart, Kolasch & Birch 18th Floor 10940 Wilshire Blvd. Los Angeles, CA 90024			BOSWELL, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/651,327	LYON, THOMAS
	Examiner	Art Unit
	Christopher Boswell	3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 - 4a) Of the above claim(s) 11-20 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10, 21 and 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the thread-locking compound between the male threads on the outer surface of the insert and the threads of the hole in the steel plate must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Election/Restrictions

Claims 11-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 12, 2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-10, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 4,295,765 to Burke, in view of U.S. Patent Number 4,702,939 to Miyauchi et al.

Burke discloses the invention substantially as claimed. Burke discloses an insert (12) for a steel plate (16 and 20) having a threaded hole (16) cut completely through it and adapted for connection of an eyebolt (22), the insert has male threads (12c) on its outer surface and female threads (12d) on its inner surface. However, Burke does not disclose a thread-locking compound between the male threads and the threads of the threaded hole. Miyauchi teaches of a thread-locking compound between male threads and the threads of a threaded surface (column 4, lines 8-29) in the analogous art of threaded fastening means for the purpose of giving the screw the capability of adjustment and sealing by being attached to the screw surface. It would have been

obvious to one with ordinary skill in the art at the time the invention was made to place a thread-locking compound onto the metal insert of Burke in order to give the insert the capability of adjustment and sealing by being securely attached to the steel plate.

Burke discloses the invention substantially as claimed, in claims 3-5. However, Burke does not disclose a particular design of threads. The selection of particular threads is considered a design consideration of a prior art device. With routine experimentation, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize coil, acme or U.N.S. threads, in order to achieve the particular needs of the intended use of the fastening member. Furthermore, there is a lack of criticality within the disclosure of the application as to the necessity of the recited threads.

Burke discloses the invention substantially as claimed, in claims 6-10, and 22. However, Burke does not disclose particular dimensions of the threads. Wherein it is considered an optimization of proportions, within the skill of the art, to vary the size of the threads to be correlated with a given application. After routine experimentation and optimization of the threads of a threaded member, it would have been obvious to one with ordinary skill in the art at the time the invention was made to select an optimal dimension of the threads for a given application in order to achieve the particular needs of the intended use of the fastening member. Furthermore, there is a lack of criticality within the disclosure of the application as to the necessity of the recited threads.

Miyauchi further teaches the thread-locking compound is a thermoset plastic retaining compound (column 1, line 67-column 2, line 15), as in claim 21, for the purpose of creating a

firm bond between the screw surface and the thread-locking compound. It would have been obvious to one with ordinary skill in the art at the time the invention was made to use a thermoset plastic as the thread-locking compound in order to create a firm bond between the threaded insert of Burke and the thread-locking compound.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burke and Miyauchi, as applied above to claims 1, 3-10, 21, and 22, and further in view of U.S. Patent Number 5,411,357 to Viscio et al.

Burke and Miyauchi disclose the invention substantially as claimed. However, Burke and Miyauchi do not disclose the material of the insert. Viscio teaches a steel threaded insert (6; column 2, line 42-50) in the same field of endeavor for the purpose of making sure that the insert is inserted in the correct orientation and thus will function normally (column 2, lines 30-33). It would have been obvious to one with ordinary skill in the art at the time the invention was made to manufacture the insert of Burke from steel in order to provide a harder material, as well as assure proper alignment.

Response to Arguments

Applicant's arguments with respect to claims 1-10, and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment, in claim 1, lines 7-9, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB *OB*
November 19, 2004

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600